

DECISION

**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D. C. 20548

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FILE: 213717

DATE: March 20, 1984

MATTER OF: Yellow Freight System, Inc.

DIGEST:

Transportation audit action by the General Services Administration (GSA), based on factual determination that rocket launchers were transported, is sustained where description on government bill of lading and descriptive literature of item shipped, supplied by agency shipping office, support GSA's determination.

Yellow Freight System, Inc. (Yellow), requests review of deduction action taken by the General Services Administration (GSA) to recover overcharges collected by Yellow in connection with the transportation of government property.

The government paid freight charges of \$1,212.09 to Yellow. After auditing Yellow's bill, GSA determined that the applicable charges were \$686.78; therefore, \$525.31 was deducted from monies otherwise due the carrier. The propriety of GSA's deduction action depends on the proper description of the items shipped--specifically, whether the items shipped consisted of "Launchers, Rocket, Aircraft, Multiple Tube-Type," as described in item 146315 of the governing National Motor Freight Classification (NMFC), or aircraft parts under NMFC 11800. The charges applicable to a rocket launcher are lower than those applicable to aircraft parts, upon which the charges were based.

The government bill of lading (GBL) for this shipment described the articles shipped as "LAUNCHERS, ROCKET, AIRCRAFT, MULTIPLE TUBE-TYPE, EMPTY, IN BOXES OR CRATES." The GBL also stated that the items had NMFC classification No. 146315 SUB 1, which is rocket launchers. Yellow attempts to rebut this description by reference to a Yellow Freight depot weight and inspection report. At this shipment transfer point, Yellow officials inspected the shipment and determined the shipment to consist of "Aircraft parts" under NMFC classification No. 11800. The report states that the shipment was also inspected by unnamed government officers, who agreed that the items were aircraft parts, and

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this was confirmed by telephone with the transportation officer who issued the GBL.

GSA's report includes descriptive literature and photographs of the items shipped which support the GBL description supplied by the transportation office where the GBL was issued. This documentation indicates that the commodity shipped was a Hughes Aircraft "Tow Missile Launcher" manufactured by Bell Helicopter. This launcher, when assembled in multitube form and attached to a helicopter, becomes part of a weapons firing system. Also, when attached to a tripod, the launcher becomes a "Tow Infantry Launcher" and, when assembled in multitube form and attached to an armored vehicle, becomes a "Fighting Vehicle System." Based on this information, GSA concludes that the missile launcher actually shipped is not an integral part of an aircraft, is not required for flight operation of an aircraft and, accordingly, the rate for aircraft parts is not applicable. We agree with GSA's position.

There is a presumption that the bill of lading correctly describes the article tendered for transportation. Where the identity of a commodity is in question, the important fact is what moved, and great weight is given to the agency's description. Yellow Freight System, Inc., B-203505, September 1, 1981; Trans Country Van Lines, Inc., 53 Comp. Gen. 868 (1974). The carrier has the burden of proving the correctness of transportation charges initially collected on the shipment. Yellow Freight System, Inc., supra.

Although Yellow relies on its inspection report, which broadly describes the shipment as aircraft parts, to support its billing, in light of the GBL description showing that the shipment contained rocket launchers and the descriptive literature supplied by the transportation shipping office which supports the GBL description, we think it is reasonable to conclude that the shipment contained rocket launchers. Moreover, as GSA points out, a rocket launcher which can be attached to an aircraft is not a component part of that aircraft which is necessary to its operation. The examples of aircraft parts under the NMFC are of component parts such as wings and cowls. Thus, the general description, aircraft parts, does not appear to cover an

attachable weapon. Under these circumstances, the carrier has not met its burden of affirmatively proving its case, and we sustain GSA's audit action.

Milton J. Rowland
for Comptroller General
of the United States